

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: SHANNON ANDREWS

CASE NO. 12-37020-KRH

Debtor

CHAPTER 13

VIRGINIA HOUSING DEVELOPMENT AUTHORITY,

Movant,

vs.

SHANNON ANDREWS
and
CARL M. BATES, TRUSTEE,

Respondents

**MOTION FOR RELIEF FROM STAY
AND NOTICE OF MOTION AND HEARING**

The motion of the Movant, VIRGINIA HOUSING DEVELOPMENT AUTHORITY, by counsel, respectfully represents as follows:

1. That Movant is a political subdivision of the State of Virginia.
2. That on December 11, 2012, Debtor filed in this Court a Petition under Chapter 13 of the United States Bankruptcy Code, whereupon an Order for Relief was entered.

**Julian A. Bryant, Jr. (VSB #1168)
EVANS & BRYANT, PLC
Counsel for Movant
2101 Parks Avenue, Suite 301
Virginia Beach, Virginia 23451-4183
(757) 437-9500**

3. That CARL M. BATES is appointed Trustee.
4. That the Court has jurisdiction over this contested matter pursuant to 11 U.S. C. § 362(d) and (e), and this action is a core proceeding within the meaning of 28 U.S.C. § 157.
5. That at the time of the filing of the Petition in Bankruptcy herein and now, Debtor owned or held an interest in the following property (hereinafter the "Property"):

All that certain lot, piece or parcel of land, together with all improvements thereon and appurtenances thereunto belonging, lying and being in Chesterfield County, Virginia, and designated as Lot 18, Block R. Section 2, THE MEADOWS, Chesterfield County, Virginia, as shown on Plat of Survey by Bremner, Youngblood, Sharp, Inc., consulting engineers, dated August 19, 1974, recorded in the Clerk's Office of the Circuit Court of the County of Chesterfield, Virginia, in Plat Book 23, page 3, to which plat reference is made for a more particular description.

This Property is commonly known as 1048 Robmont Dr., Richmond VA 23236.

6. That Movant is the holder of a certain Note which is secured by a certain Deed of Trust recorded in the Clerk's Office of the Circuit Court of the County of Chesterfield, Virginia, in Deed Book 3618, at Page 91, encumbering the Property, and which Note has an outstanding principal balance of \$65,266.02 as of the date hereof.

7. That the mortgage loan account is in default for the regular post-petition mortgage loan payment due February 1, 2014 in the sum of \$756.48, with the amount necessary to reinstate post-petition, exclusive of Movant's fees and costs, being \$3,782.40, itemized as follows:

\$3,782.40 – 5 payments (February through June 2014) @\$756.48/month

8. That cause exists for terminating the stay, including the failure of Debtor to make when due post-petition payments to Movant and the failure to provide Movant with adequate protection of its interest in the Property.

9. That there is no equity in the Property for the benefit of Debtor or her estate, and the Property is not necessary for an effective reorganization.

10. That Movant is being injured by its inability to proceed against the Property securing the indebtedness due to the automatic stay provided for in 11 U.S.C. § 362.

WHEREFORE, VIRGINIA HOUSING DEVELOPMENT AUTHORITY moves that the automatic stay provided for by the provisions of Title 11 of the United States Bankruptcy Code be modified in conformance therewith, that the appeal period provided for by Rule 4001(a)(3) be waived, and that it be granted such other and further relief as this Court shall deem proper.

DATED at Virginia Beach, Virginia, this 26th day of June, 2014.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

By: /s/ Julian A. Bryant, Jr.
Of Counsel

****NOTICE OF MOTION AND HEARING****

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on the motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: **Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Suite 4000, Richmond, Virginia 23219, and** serve a copy on the movant's attorney at the address shown below. Unless a written response is filed and served within this fourteen-day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the fourteen-day period.

Attend the preliminary hearing scheduled to be held on:

July 30, 2014 at 9:30 a.m. in Courtroom 5000, United States Bankruptcy Court, 701 East Broad Street, Richmond, Virginia.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: June 26, 2014

/s/ Julian A. Bryant, Jr.

Julian A. Bryant, Jr. (VSB#1168)

PROOF OF SERVICE:

I hereby certify that on the 26th day of June, 2014, a true copy of the foregoing Motion for Relief from Stay and Notice of Motion and Hearing was mailed by electronic means or first class United States mail, postage fully prepaid, to each party required to receive notice under Local Bankruptcy Rule 4001(a)-1(E)(1) as follows:

Debtor:

Shannon Andrews
1048 Robmont Dr.
Richmond, Virginia 23236

Counsel for Debtor:

Jessica L. Fellows, Esquire,
VIA ECF

Trustee:

Carl M. Bates
VIA ECF

/s/ Julian A. Bryant, Jr.

Julian A. Bryant, Jr. (VSB #1168)

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